REMARKS

Claims 31-61 are pending. Favorable reconsideration is respectfully requested.

The present invention relates to a reagent for quantitative determination of cholesterols comprising, separately or as a mixture:

a compound having stronger affinity with any lipoproteins except HDL in a blood sample than with HDL and selected from the group consisting of saponins, polyenes, cholesterol derivatives, phospholipids derivatives, bacitracin, polymyxin, suzycasylin and gramacidin,

a surfactant exhibiting a stronger action on HDL than on the other lipoproteins, and

a cholesterol determination reagent.

See Claim 31.

The present invention also relates to a reagent for quantitative determination of cholesterols comprising, separately or as a mixture:

a compound having stronger affinity with any lipoproteins except HDL in a blood sample than with HDL and selected from the group consisting of lectins, wherein the amount of said compound is such that aggregates of lipoproteins do not aggregate,

a surfactant exhibiting a stronger action on HDL than on the other lipoproteins, and a cholesterol determination reagent.

See Claim 61.

The rejections of Claim 18 under 35 U.S.C. §102(b) over Pascal, Hino et al., Miki et al. or Nakamura et al. are respectfully traversed. Those references fail to disclose the claimed reagent.

Claim 31 specifies a compound having stronger affinity with any lipoproteins except HDL in a blood sample than with HDL and selected from the group consisting of saponins, polyenes, cholesterol derivatives, phospholipids derivatives, bacitracin, polymyxin, suzycasylin and gramicidin. Each of those references fails to disclose the claimed compound.

Claim 61 specifies a lectin, where the amount of the lectin is such that lipoproteins except HDL do not aggregate. Pascal describes the use of lectins, but in amounts such that the lipoprotein precipitate. See column 3, lines 46-50. The other references do not describe the use of lectins.

In view of the foregoing, the claimed reagent is not anticipated by Pascal, Hino et al., Miki et al. or Nakamura et al. Withdrawal of these grounds of rejection is respectfully requested.

The rejection of Claim 18 under 35 U.S.C. §102(e) over Nakamura et al. is respectfully traversed. Nakamura et al. fail to disclose the claimed compound, i.e., saponins, polyenes, cholesterol derivatives, phospholipids derivatives, bacitracin, polymyxin, suzycasylin, gramicidin and lectins. Accordingly, the claimed reagent is not anticipated by Nakamura et al. Withdrawal of this ground of rejection is respectfully requested.

The obviousness-type double patenting rejection of Claim 18 over the indicated claims of U.S. patent Nos. 6,764,828, 6,333,166 or 6,057,118 is respectfully traversed. The claims of those patents fail to disclose or suggest the compound specified in the claimed reagent. Accordingly, the claimed reagent is not obvious over the claims of those patents. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The objection to Claim 18 and the rejections of that claim under 35 U.S.C. §112 are believed to be obviated by the amendment submitted above. Specific compounds are presented in a Markush group and the "relatively strong" language has been removed from the claims. Withdrawal of these grounds of rejection is respectfully requested.

Regarding the Restriction Requirement, Claims 31-45 read on the elected invention. Claims 46-60 are directed to methods and depend directly or indirectly from Claim 31. Claims 46-60 are patentable for the same reasons as Claims 31-45 discussed above. Accordingly, the method claims should be rejoined under the provisions of MPEP §821.04.

The objections to the specification are believed to be obviated by the amendment submitted above. A substitute Abstract has been submitted and the objections noted by the Examiner are believed to be appropriately corrected.

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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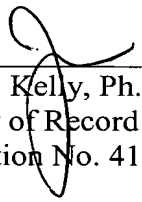

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